

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X	<b>Docket#</b>	
UNITED STATES OF AMERICA,	:	14-cr-367 (FB) (VMS)
	:	
- versus -	:	U.S. Courthouse
	:	Brooklyn, New York
ALDO BLAS,	:	
Defendant	:	February 2, 2015
-----X		

TRANSCRIPT OF CRIMINAL CAUSE FOR PLEADING  
BEFORE THE HONORABLE VERA M. SCANLON  
UNITED STATES MAGISTRATE JUDGE

**A P P E A R A N C E S:**

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1 THE CLERK: This is United States v. Aldo  
2 Blas, docket number 14-cr-367, Criminal Cause for a Plea  
3 Hearing before Magistrate Judge Vera M. Scanlon.

4 Will the parties state their appearances for  
5 the record starting with the government.

6 MS. KOMATIREDDY: Good afternoon, your Honor.  
7 Saritha Komatireddy for the United States.

8 THE COURT: Good afternoon.

9 MR. PEREZ: Good afternoon, your Honor.  
10 H. Benjamin Perez on behalf of Aldo Blas.

11 THE COURT: And Mr. Blas is here with you?

12 MR. PEREZ: Yes, Judge.

13 THE COURT: All right. And he needs a Spanish  
14 to English, English to Spanish interpreter, is that  
15 correct?

16 MR. PEREZ: Yes.

17 THE COURT: All right. Can the interpreter  
18 state your appearance?

19 THE INTERPRETER: Maristela Verastegui,  
20 previously sworn.

21 (INTERPRETER PREVIOUSLY SWORN)

22 THE COURT: All right. So we're here for a  
23 plea. Let me first ask the government, are there any  
24 victims of the offense, and if so has the government  
25 notified them of this hearing and the right to attend and

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1 be heard?

2 MS. KOMATIREDDY: Yes, to both, your Honor.

3 THE COURT: All right. And I am going to ask  
4 my deputy to give the defendant an oath.

5 A L D O B L A S ,

6 called as a witness, having been first duly sworn,  
7 was examined and testified as follows:

8 THE COURT: Okay. You can put your hand down.

9 Just, counsel, are we going to do this in  
10 English or in Spanish? How do you want to do it?

11 MR. PEREZ: Spanish.

12 THE COURT: All right. So, Mr. Blas, a we go  
13 along, the interpreter will translate for you from  
14 English to Spanish and then if you would like to speak,  
15 from Spanish to English for the Court and for the record.  
16 All right to that process?

17 THE DEFENDANT: Yes.

18 THE COURT: All right. Otherwise, we can do  
19 this in English and have the interpreter standby but if  
20 there's any question as to whether you're completely  
21 fluent in English, we'll use the interpreter all the  
22 time.

23 THE DEFENDANT: I'll use the interpreter.

24 THE COURT: Okay. All right. So, Mr. Blas, my  
25 name is Vera Scanlon. I'm a magistrate judge here in

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1 this court.

2 As you may know, your case has been assigned to  
3 a district judge, Judge Block. Judge Block is the judge  
4 who is going to make the ultimate decision as to whether  
5 to accept your guilty plea. And if he does, to sentence  
6 you. You have the absolute right to have the district  
7 judge listen to your plea without any prejudice to you.

8 Do you understand that right?

9 THE DEFENDANT: Yes.

10 THE COURT: All right. In today's proceeding,  
11 what we're doing is making a recording. A transcript  
12 will be prepared of today's proceeding by a court  
13 reporter and that transcript will be provided to the  
14 Judge Block. Judge Block will review the transcript of  
15 today's proceeding in connection with deciding whether to  
16 accept your plea and with your sentence.

17 Are you willing to give up your right to have  
18 District Judge Block listen to your plea and instead  
19 proceed here before me?

20 THE DEFENDANT: All right, yes.

21 THE COURT: All right. So, I have this form  
22 which says, "Consent To Have a Plea Taken Before a United  
23 States Magistrate Judge."

24 Was this form read to you in Spanish?

25 THE DEFENDANT: Yes.

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1 THE COURT: Do you understand the form?

2 THE DEFENDANT: Yes.

3 THE COURT: And did you discuss it with your  
4 attorney?

5 THE DEFENDANT: Yes.

6 THE COURT: And are you in agreement with what  
7 it says in this form?

8 THE DEFENDANT: Yes.

9 THE COURT: All right. Has anyone threatened  
10 you or made any promises to you to have you proceed here  
11 before me today?

12 THE DEFENDANT: No.

13 THE COURT: All right. On this form, there are  
14 a couple of signatures. Is the top signature on the  
15 right-hand side your signature?

16 THE DEFENDANT: Yes.

17 THE COURT: And, counsel, is that your  
18 signature below?

19 MR. PEREZ: Yes, your Honor.

20 THE COURT: All right. And then for the United  
21 States, is that your signature?

22 MS. KOMATIREDDY: Yes, your Honor.

23 THE COURT: All right. So I am also going to  
24 sign the form to indicate that I believe that the  
25 defendant is voluntarily and willingly entering --

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1 proceeding before me here today.

2 All right. So, Mr. Blas, before me go ahead  
3 with your guilty plea, we're going to have to do a couple  
4 of things. First, I am going to have to ask you several  
5 questions in order to assure myself that it's a valid  
6 plea.

7 As we go along, if you don't understand what I  
8 say or my questions, please let me know and I will reword  
9 the question or try to explain what I've said to the best  
10 of my ability.

11 Do you understand that in this criminal  
12 proceeding, you have the right to be represented by an  
13 attorney at trial and at every other stage of the  
14 proceeding, including this one?

15 THE DEFENDANT: Yes.

16 THE COURT: And do you understand that if you  
17 can't afford an attorney, one would be appointed for you?

18 THE DEFENDANT: Yes.

19 THE COURT: And Mr. Perez has been -- is your  
20 retained counsel, is that correct?

21 MR. PEREZ: Yes.

22 THE COURT: Okay. And do you want to proceed  
23 here with Mr. Perez, as your attorney?

24 THE DEFENDANT: Yes.

25 THE COURT: As we go along today, if at any

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1 time you would like to speak with your attorney, please  
2 let me know and I'll let you do that.

3 MR. PEREZ: Just one moment.

4 THE COURT: Uh-hum.

5 (Counsel and client confer)

6 THE COURT: All right. I am just going to  
7 remind you, Mr. Blas, that you are sworn to tell the  
8 truth. That means that if at any time during today's  
9 proceeding, you answer my questions falsely, or you make  
10 a false statement to me, your answers may later be used  
11 against you in a separate prosecution for the crime of  
12 perjury or of making a false statement.

13 Do you understand?

14 THE DEFENDANT: Yes.

15 THE COURT: All right. So, the first thing  
16 that I'm going to do is ask you some background  
17 questions.

18 What is your full name?

19 THE DEFENDANT: Aldo Jesus Blas Coranza (ph.)

20 THE COURT: And how old are you?

21 THE DEFENDANT: 39.

22 THE COURT: And what's the highest level of  
23 education that you have completed?

24 THE DEFENDANT: College, in my country.

25 THE COURT: How old were you when you completed

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1 college?

2 THE DEFENDANT: 24.

3 THE COURT: And did you graduate from college?

4 THE DEFENDANT: No.

5 THE COURT: So how many years of college did  
6 you attend?

7 THE DEFENDANT: Three.

8 THE COURT: And what did you study?

9 THE DEFENDANT: In computer engineering.

10 THE COURT: And what's your country?

11 THE DEFENDANT: Peru.

12 THE COURT: And what's the name of the school  
13 or the college that you attended?

14 THE DEFENDANT: University of Lima in the  
15 capitol city.

16 THE COURT: All right. This is a different  
17 kind of a question I'm going to ask you now.

18 Are you presently or have you recently been  
19 under the care of a doctor?

20 THE DEFENDANT: In the prison, yes.

21 THE COURT: And what have you been treated for  
22 in the prison?

23 THE DEFENDANT: I just went through normal  
24 checkup.

25 THE COURT: Did the doctor diagnose you with



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1 any medical problems?

2 THE DEFENDANT: No.

3 THE COURT: All right. Are you presently or  
4 have you recently been under the care of any mental  
5 health professional such as a psychologist, a  
6 psychiatrist or a social worker?

7 THE DEFENDANT: No.

8 THE COURT: Have you ever been hospitalized or  
9 treated for any mental illness?

10 THE DEFENDANT: No.

11 THE COURT: Have you ever been hospitalized or  
12 treated for an addiction to drugs or alcohol?

13 THE DEFENDANT: No.

14 THE COURT: In the past 24 hours, have you  
15 consumed any medications?

16 THE DEFENDANT: Ibuprofen.

17 THE COURT: Is there anything about the  
18 Ibuprofen that would affect your ability to understand  
19 today's proceedings?

20 THE DEFENDANT: No.

21 THE COURT: And what was the Ibuprofen  
22 prescribed for?

23 THE DEFENDANT: It's a pain in my hand.

24 THE COURT: All right. And is there anything  
25 about that pain that would prevent you from understanding

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1 these proceedings here today?

2 THE DEFENDANT: No.

3 THE COURT: All right. In the past 24 hours,  
4 have you consumed any alcohol?

5 THE DEFENDANT: No.

6 THE COURT: In the past 24 hours, have you  
7 consumed any narcotic drugs?

8 THE DEFENDANT: No.

9 THE COURT: Is your mind clear as you stand  
10 here today?

11 THE DEFENDANT: Yeah.

12 THE COURT: Do you understand what's going on?

13 THE DEFENDANT: Yes.

14 THE COURT: All right. Mr. Perez, have you  
15 discussed this matter with your client?

16 MR. PEREZ: I have, your Honor. I have.

17 THE COURT: And do you speak Spanish?

18 MR. PEREZ: I do.

19 THE COURT: And when you discussed this matter,  
20 have you done so in Spanish?

21 MR. PEREZ: I discussed it fully in Spanish  
22 with my client.

23 THE COURT: And in your opinion, is Mr. Blas  
24 capable of understanding the nature of the proceedings?

25 MR. PEREZ: Yes.

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1 THE COURT: And in your opinion, does he  
2 understand the rights he'll be waiving if he decide to go  
3 ahead with his guilty plea?

4 MR. PEREZ: I believe he does.

5 THE COURT: And do you have any doubt as to his  
6 competence to plead at this time?

7 MR. PEREZ: No, I do not.

8 THE COURT: And have you advised him of the  
9 possible consequences of a sentencing, including the  
10 maximum sentences that can be imposed?

11 MR. PEREZ: Yes, I have.

12 THE COURT: And have you discussed with him the  
13 operation of the sentencing guidelines?

14 MR. PEREZ: Yes, I have.

15 THE COURT: All right.

16 Mr. Blas, have you had a sufficient opportunity  
17 to discuss this case with your attorney, Mr. Perez?

18 THE DEFENDANT: Yes.

19 THE COURT: And have you had any difficulty  
20 communicating with your attorney?

21 THE DEFENDANT: No.

22 THE COURT: And are you fully satisfied with  
23 the representation and advice given to you in this case  
24 by your attorney, Mr. Perez?

25 THE DEFENDANT: Yes.

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1 THE COURT: Have you received a copy of the  
2 indictment in this case?

3 THE DEFENDANT: Yes, he gave it to me.

4 THE COURT: All right. And did you review the  
5 indictment with your attorney?

6 THE DEFENDANT: Yes.

7 THE COURT: And do you understand all the  
8 charges against you?

9 THE DEFENDANT: Yes.

10 THE COURT: All right. I understand that  
11 you're planning to plead guilty to Counts 1 and 11 of the  
12 indictment?

13 Do you understand those particular charges?

14 THE DEFENDANT: Yes.

15 THE COURT: All right.

16 Mr. Perez, do you want me to read those charges  
17 out loud?

18 MR. PEREZ: No, it's not necessary. We waive  
19 the reading.

20 THE COURT: All right. Mr. Blas, at this time  
21 I am going to go over with you some of the many rights  
22 that you have in a criminal proceeding in the United  
23 States. The first and most important thing you should  
24 understand is that you do not have to plead guilty, even  
25 if you are guilty. Under the American legal system, the

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1 prosecution has the burden of proving the guilt of a  
2 defendant beyond a reasonable doubt. If the prosecutor  
3 cannot or does not meet the prosecutor's burden of proof,  
4 the jury has the duty to find the defendant not guilty  
5 even if the defendant is guilty.

6 Do you understand that?

7 THE DEFENDANT: Yes.

8 THE COURT: So what it means is that even if  
9 you are guilty, you do have a choice. It's up to you to  
10 decide what to do; not your lawyer's choice or anyone  
11 else's choice. You can withdraw your previously entered  
12 plea of not guilty and plead guilty as I'm been told you  
13 wish to do to Counts 1 and 11 of the indictment or you  
14 could choose to go to trial simply by persisting in your  
15 plea of not guilty.

16 If you decide to do so, you will be making the  
17 government meet its burden of proving your guilt beyond a  
18 reasonable doubt.

19 Do you understand?

20 THE DEFENDANT: Yes.

21 THE COURT: All right. You should be aware  
22 that it has sometimes happened in American courtrooms,  
23 that a jury has returned a verdict of not guilty even  
24 though everyone else in the courtroom believed the  
25 defendant had, in fact, committed the crime with which he

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1 was charged.

2 What the jury was saying in that example, was  
3 not that the defendant was not guilty but rather that the  
4 government had failed to carry of proving its burden of  
5 proving the defendant guilty.

6 Do you understand?

7 THE DEFENDANT: Yes.

8 THE COURT: So it's your right to say to the  
9 government, prove it. Meet your burden of proving my  
10 guilt beyond a reasonable doubt and you can exercise that  
11 right by saying not guilty when I ask how you plead.

12 If you decide to persist in your plea of not  
13 guilty, under the Constitution and the laws of the United  
14 States, you are entitled to a speedy and public trial by  
15 jury. You're entitled to the assistance of counsel  
16 during the trial and all stages of the criminal  
17 proceedings on the charges contained in the indictment  
18 which has been filed with the Court and that's the  
19 document that I referred to earlier.

20 Do you understand?

21 THE DEFENDANT: Yes.

22 THE COURT: At a trial, you would be presumed  
23 innocent. You would have not to prove that you were  
24 innocent. It's the government's burden to overcome the  
25 presumption of innocence and prove you guilty by

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1 competent evidence and beyond a reasonable doubt.

2 Do you understand?

3 THE DEFENDANT: Yes.

4 THE COURT: All right. If the government does  
5 not meet its burden at trial, the jury would have the  
6 duty to find you not guilty.

7 Do you understand?

8 THE DEFENDANT: Yes.

9 THE COURT: By pleading guilty, you're giving up  
10 your right to have the government satisfy that burden of  
11 proving you guilty beyond a reasonable doubt and instead,  
12 you are admitting your guilt.

13 Do you understand?

14 THE DEFENDANT: Yes.

15 THE COURT: If you decided to continue with  
16 your plea of not guilty, during the course of your trial,  
17 witnesses for the government would be required to come to  
18 court and testify your presence. Your attorney would  
19 have the right to cross-examine those witnesses for the  
20 government, to object to the government's evidence and to  
21 offer witnesses and other evidence on your behalf.

22 Do you understand?

23 THE DEFENDANT: Yes.

24 THE COURT: Your attorney would also have the  
25 right to subpoena or compel witnesses to come to court

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1 and testify.

2 Do you understand that right?

3 THE DEFENDANT: Yes.

4 THE COURT: If you go ahead with your guilty  
5 plea and plead guilty, and if I recommend to District  
6 Judge Block that he accept your plea and that is what he  
7 does, you're giving up these rights. You're giving up  
8 your right to confront the witnesses who testify against  
9 you. You're giving up your right to offer evidence on  
10 your own behalf, giving up the right to compel witnesses  
11 to come to court and testify and giving up your right to  
12 raise any defenses that you may have.

13 Do you understand that?

14 THE DEFENDANT: Yes.

15 THE COURT: At a trial, you would have the  
16 right to testify on your own behalf if you choose to do  
17 so but could not be required to testify. Under the  
18 Constitution of the United States, a defendant in a  
19 criminal case cannot be forced to take the witness stand  
20 at his own trial and say anything that could be used  
21 against him to show that he is guilty of the crime with  
22 which he is charged.

23 So, if you decided not to testify at your  
24 trial, the trial judge would instruct the jury that the  
25 jurors could not hold the fact that you had not testified



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1 against you. This is called your right against self-  
2 incrimination.

3 Do you understand?

4 THE DEFENDANT: Yes.

5 THE COURT: If you go ahead with your guilty  
6 plea, you're admitting your guilt and thus giving up your  
7 right against self-incrimination.

8 Do you understand?

9 THE DEFENDANT: Yes.

10 THE COURT: All right. If you plead guilty,  
11 I'm going to have to ask you questions about what you did  
12 so that I can satisfy myself and in turn, the district  
13 judge, that are you, in fact, guilty of the charges to  
14 which you are pleading. In doing so, you are going to  
15 have to answer my questions truthfully and acknowledge  
16 your guilt. And I remind you that you earlier today took  
17 an oath earlier to answer my questions truthfully.

18 Do you understand that?

19 THE DEFENDANT: Yes.

20 THE COURT: All right. It's not going to  
21 enough for you to simply say that you're guilty. You're  
22 going to have to tell me what it is that you did that  
23 makes you guilty of the particular charge to which you're  
24 pleading guilty.

25 Do you understand?

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1 THE DEFENDANT: Yes.

2 THE COURT: So, if you plead guilty and I  
3 recommend that the district judge accept your plea and  
4 that's what he does, you're giving up your constitutional  
5 right to a trial and to all the other rights that I have  
6 just discussed. There will be no further trial of any  
7 kind. The district judge, if he accepts your plea, will  
8 simply enter a judgment of guilty on the basis of your  
9 guilty plea.

10 Do you understand?

11 THE DEFENDANT: Yes.

12 THE COURT: If after you are sentenced, you or  
13 your attorney thinks the Court has not properly followed  
14 the law in sentencing you, you can usually appeal your  
15 sentence to a higher court. But by pleading guilty, you  
16 will not except in under limited circumstances, be able  
17 to challenge your judgment of conviction by appeal or  
18 collateral attack.

19 Do you understand that?

20 THE DEFENDANT: Yes.

21 THE COURT: All right. Additionally, we're  
22 going to go over your plea agreement in a minute but I am  
23 going to particularly draw your attention to paragraph 4,  
24 in which you agree to limit your right to file an appeal.  
25 So it says in the plea agreement, "The defendant agrees

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1 not to file an appeal or otherwise challenge by petition  
2 pursuant to 28 USC Section 2255 or any other provision,  
3 the conviction or sentence in the event that the Court  
4 imposes a term of imprisonment of 235 months or below."

5 All right. So that's a limitation on your  
6 right to appeal.

7 Do you understand that?

8 THE DEFENDANT: Yes.

9 THE COURT: All right. So are you willing to  
10 give up your right to a trial and all the other rights  
11 that I've just discussed?

12 THE DEFENDANT: Yes.

13 THE COURT: All right. I'm going to mark the  
14 plea agreement as Court's Exhibit 1.

15 Mr. Blas, have you seen this document, the plea  
16 agreement  
17 Yes.

18 THE COURT: All right. Was it translated for  
19 you from English to Spanish?

20 THE DEFENDANT: Yes.

21 THE COURT: Did you review it with your  
22 attorney in detail?

23 THE DEFENDANT: Yes.

24 THE COURT: Counsel, were all formal plea  
25 offers by the government conveyed to the defendant?

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1 MR. PEREZ: Yes, they were.

2 THE COURT: Let's just go over the logistics of  
3 the agreement. So on page 12 of the agreement, there are  
4 several signatures. In the middle of the document, page  
5 12, it says, "I have read the entire agreement and  
6 discussed it with my attorney. I understand all of its  
7 terms and am entering into it knowingly and voluntarily."

8 Is that a correct statement, Mr. Blas?

9 THE DEFENDANT: Yes.

10 THE COURT: And right below that is a  
11 signature, is that your signature?

12 THE DEFENDANT: Yes.

13 THE COURT: And then, Mr. Perez, right below  
14 Mr. Blas' signature, is that your signature?

15 MR. PEREZ: Yes, your Honor.

16 THE COURT: And then did you -- were you also  
17 the person who translated it?

18 MR. PEREZ: Yes.

19 THE COURT: All right. So that's your  
20 signature again?

21 MR. PEREZ: Yes.

22 THE COURT: All right. For the United States,  
23 Ms. Komatireddy, is that your signature here?

24 MS. KOMATIREDDY: It is, your Honor.

25 THE COURT: And below it it says Mr. Sinclair's

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1 signature, who is he?

2 MS. KOMATIREDDY: Mr. Sinclair was my  
3 supervisor at the time that this plea agreement was  
4 approved, your Honor.

5 THE COURT: All right. Did he review and  
6 approve this agreement?

7 MS. KOMATIREDDY: Yes, your Honor.

8 THE COURT: All right.

9 All right. So, Mr. Blas, does this written  
10 plea agreement which is marked as Court Exhibit 1,  
11 represent the entire understanding or agreement that you  
12 have with the government?

13 THE DEFENDANT: Yes.

14 THE COURT: Has anyone made any promise or  
15 assurance to you that is not included in the plea  
16 agreement in order to persuade you to accept the plea  
17 agreement?

18 THE DEFENDANT: No.

19 THE COURT: Has anyone threatened you in any  
20 way to persuade you to accept the plea agreement?

21 THE DEFENDANT: No.

22 THE COURT: All right. Mr. Perez, have you  
23 read and reviewed with your client the written plea  
24 agreement which is before the Court as Court's Exhibit 1?

25 MR. PEREZ: I have, your Honor.

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1 THE COURT: And does this document, Court's  
2 Exhibit 1, reflect your understanding of the entire  
3 agreement that your client has entered into with the  
4 government?

5 MR. PEREZ: It does.

6 THE COURT: All right. Mr. Blas, do you  
7 understand that if you fail to fully comply with your  
8 agreement with the government, the government will be  
9 released from its obligations but you will not be  
10 released from your guilty plea.

11 Do you understand that?

12 THE DEFENDANT: Yes.

13 THE COURT: All right. So, now I am going to  
14 go over some of the possible consequences of your plea.  
15 And some of this is or almost all of this is laid out in  
16 the plea agreement, which I understand has been read to  
17 you.

18 In paragraph 1 of the plea agreement, it notes  
19 that what's proposed is you're going to plead guilty to  
20 Count 1 and Count 11 of the indictment. Those charge you  
21 with violations of certain federal laws. Count 1 of the  
22 violation of 18 USC, Section 2251(a) and Count 11 with a  
23 violation of 18 USC Section 2252(a)(4)(B).

24 First I'm going to talk about Count 1 and some  
25 possible sentencing consequences and then I'll talk about

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1 Count 11. Count 1 carries the following statutory  
2 penalties: a maximum term of imprisonment of thirty  
3 years, and a minimum term of imprisonment of fifteen  
4 years. All right.

5 So do you understand that there's a minimum  
6 term of imprisonment?

7 THE DEFENDANT: Yes.

8 THE COURT: There's a minimum supervised  
9 release term of five years, a maximum supervised release  
10 term of life. Those supervised release terms would  
11 follow any term of imprisonment.

12 If a condition of release is violated, you may  
13 be sentenced for up to three years imprisonment. You  
14 would not receive credit for pre-release imprisonment or  
15 time previously served on post-release supervision.  
16 Additionally, if you commit any criminal offense under  
17 certain federal laws, particularly Chapter 109(a), 110 or  
18 117, or Title 18 of the United States Code Sections 1201  
19 or 1591, or which the term longer than one year can be  
20 imposed, you shall be sentenced to not less than five  
21 years and up to the maximum term of imprisonment for the  
22 offense, as I have described earlier and as noted in  
23 paragraph 1 of the plea agreement, as thirty years.

24 All right. Do you understand all of those  
25 provisions so far?

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1 THE DEFENDANT: Yes.

2 THE COURT: All right. Under Count 1, you face  
3 a maximum fine of \$250,000. Restitution is mandatory and  
4 as described in paragraphs 13 through 17 of your plea  
5 agreement. All right. I'm going to go over that a  
6 little bit more in a minute.

7 You're also subject to a \$100 special  
8 assessment and other penalties include removal from the  
9 United States as described in paragraph 12 of the plea  
10 agreement, sex offender registration pursuant to the Sex  
11 Offender Registration Notification Act, which is  
12 described in paragraph 19 of the plea agreement and  
13 criminal forfeiture as set forth in paragraphs 6 through  
14 11.

15 All right. I'm going to go over Count 11 and  
16 go back and explain each of those particular provisions,  
17 restitution and the other penalties.

18 Count 11 of the indictment carries the  
19 following statutory penalties: a maximum term of  
20 imprisonment of twenty years, and a minimum term of  
21 imprisonment of fifteen years -- sorry, I am mixing it  
22 up. Sorry. A maximum term of imprisonment of twenty  
23 years and a minimum term of imprisonment of zero years.  
24 All right? So it's different from Count 1.

25 Do you understand those terms?



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1 THE DEFENDANT: Yes.

2 THE COURT: Okay. The minimum supervised  
3 release term is five years. The maximum supervised  
4 release term is life. It will follow any term of  
5 imprisonment. If a condition of release is violated, the  
6 defendant, that's you, may be sentenced to up to three  
7 years without credit for pre-release imprisonment or time  
8 previously served on post-release supervision.

9 If you commit any of several particular  
10 criminal offenses, including those under Chapter 109(a),  
11 110, 117, or Title 18 of the United States Code Section  
12 1201 or 1591, for which imprisonment for a term longer  
13 than one year can be imposed, the defendant shall be  
14 sentenced to not less than five years and up to a maximum  
15 term of imprisonment for the offense as set forth in  
16 paragraph 1(a).

17 The maximum fine is \$250,000. Restitution is  
18 mandatory as set forth in paragraph 13 through 17. You  
19 have a \$100 special assessment and other penalties under  
20 Count 11 include sex offender registration pursuant to  
21 the Sex Offender Registration Notification Act, as  
22 described in paragraph 19, criminal forfeiture as set  
23 forth in paragraph 6 through 11.

24 All right. I'm going to go back and explain  
25 some of these terms to you. The restitution, which is a

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1 requirement as part of your sentence for either and both  
2 Count 1 and Count 11, and it's described in paragraphs 13  
3 through 17 of your plea agreement. All right.

4 Were paragraphs 13 through 17 read to you in  
5 Spanish?

6 THE DEFENDANT: Yes.

7 THE COURT: All right. Do you understand how  
8 restitution works?

9 THE DEFENDANT: Yes.

10 THE COURT: All right. Mr. Perez, do you want  
11 me to explain restitution in any additional detail?

12 MR. PEREZ: I don't believe it's necessary,  
13 your Honor.

14 THE COURT: Okay. All right. Looking now at  
15 paragraph g as to both offenses, this is also for Count 1  
16 and Count 11, removal from the United States and the  
17 possible penalty.

18 MS. KOMATIREDDY: I apologize, your Honor.  
19 That's only as to Count 1.

20 THE COURT: We'll just fix that then.

21 MS. KOMATIREDDY: It's not listed under Count  
22 11.

23 THE COURT: I'm getting myself tied trying to -  
24 -

25 MS. KOMATIREDDY: It's not listed under count

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1 11.

2 THE COURT: All right.

3 MS. KOMATIREDDY: Just under Count 1, paragraph  
4 (g).

5 THE COURT: You're right. Sorry. All right.  
6 So much for trying to move it along. Okay. So let me  
7 correct what I said.

8 As to Count 1, not as to Count 11, removal from  
9 the United States is a possible penalty. That's  
10 described in paragraph 12 in the plea agreement.

11 So, Mr. Blas, if you are not a United States  
12 citizen, or if there's any issue as to your United States  
13 citizenship, in pleading guilty may have consequences  
14 with regard to your immigration status in the United  
15 States. And as it says in paragraph 12 under federal  
16 law, a broad range of crimes are what are called  
17 removable offenses. All right?

18 Indeed, because you are pleading guilty to two  
19 violations of particular federal laws -- all right. I'm  
20 just going to talk to counsel for a second, both -- okay.

21 (Court and counsel confer)

22 THE COURT: All right. So I apologize for that  
23 confusion but we made that correction.

24 So, Mr. Blas, we just clarified in the list of  
25 possible penalties for Count 11, that removal from the

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1 United States is a possible consequence of your plea to  
2 Count 11 and so I am going to go back and continue the  
3 description of what removal and removal possibilities  
4 mean and these are described in paragraph 12 of the  
5 agreement.

6 So, with regard to the amendment that I just  
7 noted, was it translated for you? This is the changed  
8 paragraph 1(g) in the second description of the count,  
9 which is Count 11.

10 THE DEFENDANT: Yes.

11 THE COURT: All right. And did you initial the  
12 form?

13 THE DEFENDANT: Yes.

14 THE COURT: All right. And Mr. Perez, did you  
15 initial the changes on page 3 of the plea agreement?

16 MR. PEREZ: Yes, your Honor.

17 THE COURT: And for the United States, did you  
18 initial SK for the change in page 3?

19 MS. KOMATIREDDY: Yes, your Honor.

20 THE COURT: Okay. All right. So, Mr. Blas, to  
21 continue as I was telling you before I consulted with  
22 counsel, removal from the United States is presumptively  
23 mandatory for certain offenses including those to which  
24 it's proposed that You're going to plead guilty here  
25 today.

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1           Removal and immigration consequences though are  
2 the subject of a separate proceeding and you should  
3 understand that no one, including your attorney, Mr.  
4 Perez, the United States Attorney's Office, or this court  
5 can predict with certainty what the effect of your  
6 conviction on your immigration status will be.

7           Do you understand that?

8           THE DEFENDANT: Yes.

9           THE COURT: All right. So no one here can tell  
10 you what will happen with regard to your immigration but  
11 there is a very serious risk that you'll be permanently  
12 removed from the United States.

13          Do you understand that?

14          THE DEFENDANT: Yes.

15          THE COURT: All right. Do you still want to go  
16 ahead with the proposed plea despite those serious  
17 immigration consequences that may occur?

18          THE DEFENDANT: Yes.

19          THE COURT: All right. And do you want to do  
20 that despite the fact that your removal from the United  
21 States may be automatic?

22          THE DEFENDANT: Yes.

23          THE COURT: All right. Going back to some of  
24 the consequences of your proposed plea to Count 1 and  
25 Count 11 of the indictment, we've gone over the minimum

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1 and maximum terms of imprisonment, supervised release,  
2 the fines, restitution, special assessment and removal.  
3 There's also sex offender registration that's explained  
4 in paragraph 19 of the plea.

5 Did you review paragraph 19 with your attorney?

6 THE DEFENDANT: Yes.

7 THE COURT: Do you understand it?

8 THE DEFENDANT: Yes.

9 THE COURT: All right. Counsel, do you need to  
10 go over that paragraph in any more detail?

11 MR. PEREZ: It's not necessary, your Honor.

12 THE COURT: All right. And then finally with  
13 regard to the possible consequences, there's also  
14 criminal forfeiture. That's described in detail in  
15 paragraph 6 through 11 of the plea agreement. All right.

16 So, Mr. Blas, you understand that You're  
17 subject and your property is subject to forfeiture as a  
18 result of any plea that you make as to Count 1 and Count  
19 11 of the indictment?

20 THE DEFENDANT: Yes.

21 THE COURT: All right. And do you understand  
22 how forfeiture works?

23 THE DEFENDANT: Yes.

24 THE COURT: And did you review paragraph 6  
25 through 11 with your attorney?

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1 THE DEFENDANT: Yes.

2 THE COURT: All right. Counsel, do you want me  
3 to go over paragraph 6 through 11 with your client?

4 MR. PEREZ: It's not necessary, your Honor.

5 THE COURT: All right. So, Mr. Blas, I've gone  
6 over with you different parts of your plea agreement but  
7 let me just confirm for the record, was the entire plea  
8 agreement read to you in Spanish?

9 THE DEFENDANT: Yes.

10 THE COURT: Do you understand the entire plea  
11 agreement?

12 THE DEFENDANT: Yes.

13 THE COURT: And did you have an adequate  
14 opportunity to consult with your attorney about the plea  
15 agreement?

16 THE DEFENDANT: Yes.

17 THE COURT: All right. I just want to add two  
18 things. With regard to the terms of imprisonment, do you  
19 understand that parole has been abolished in the federal  
20 system. So, if You're sentenced to a prison term, you  
21 will not be released on parole.

22 THE DEFENDANT: Yes.

23 THE COURT: All right. And do you understand  
24 that if You're placed on supervised release, while on  
25 supervised release, there may be many restrictions placed

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1 on your liberty including travel restrictions, and the  
2 requirement that you report regularly to a probation  
3 officer.

4 THE DEFENDANT: Yes.

5 THE COURT: All right. Just to go back to the  
6 immigration consequences, I'm not sure I asked you this,  
7 did you have an adequate opportunity to particularly  
8 discuss the immigration consequences with your attorney?

9 THE DEFENDANT: Yes.

10 THE COURT: All right. Let me explain to you a  
11 little bit about the sentencing process. The sentencing  
12 judge, who in your case will be District Judge Block,  
13 does not have complete discretion to impose a sentence  
14 outside of the statutory minimum and maximum sentences  
15 that are set forth in the statute.

16 Do you understand?

17 THE DEFENDANT: Yes.

18 THE COURT: As a first step, the district  
19 judge, Judge Block, must consider the advisory sentencing  
20 guidelines that have been issued by the United States  
21 Sentencing Commission to determine what a reasonable  
22 sentence in your criminal case.

23 As a second step, he must consider whether  
24 there are any factors present that would allow him to  
25 depart from the advisory sentencing guidelines either



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1 upwardly or downwardly.

2           In addition, he has to consider factors that  
3 are described in a particular federal statute. It's  
4 known as 18 USC Section 3553(a). He'll consider those  
5 factors against all of the facts and circumstances of  
6 your case and it may be that he decides to give you what  
7 is called a non-guideline sentence.

8           But the practical import of this process is  
9 that until the date of sentencing, when the district  
10 judge has had an opportunity to review the transcript of  
11 today's proceedings, review a presentence report that  
12 will be prepared about you, and hears from you, your  
13 attorney and the government, you cannot know with  
14 certainty what the guidelines calculation will be or  
15 whether there will be grounds for Judge Block to depart  
16 from them and or whether Judge Block will impose a non-  
17 guideline sentence.

18           Do you understand?

19           THE DEFENDANT: Yes.

20           THE COURT: All right. Despite some  
21 uncertainty in the process, I am going to ask the  
22 attorneys to give their best estimate of what the  
23 sentencing guidelines are likely to be in your case, if  
24 they can do that.

25           So for the United States?

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1 MS. KOMATIREDDY: Yes, your Honor. The  
2 government estimates as set forth in our plea agreement  
3 in paragraph 2, that the defendant's combined offense  
4 level would be 38 and with a criminal history category of  
5 one, after adjusting that offense level for his  
6 acceptance of responsibility by two points, the guideline  
7 range will be 188 to 235 months. If the defendant pleads  
8 guilty today, and accepts responsibility and continues  
9 that acceptance of responsibility through sentencing,  
10 there would be an additional one level reduction,  
11 resulting in a guideline range of 168 to 210 months.

12 THE COURT: All right. Mr. Perez, do you have  
13 anything to add?

14 MR. PEREZ: No, that is also my understanding,  
15 Judge.

16 THE COURT: All right.

17 Mr. Blas, do you understand that the estimate  
18 your attorney just gave and the estimate that the United  
19 States just gave, is not binding on the government, on  
20 probation or on the Court?

21 THE DEFENDANT: Yes.

22 THE COURT: Do you understand that if their  
23 estimate is wrong, you will not be permitted to withdraw  
24 your plea of guilty?

25 THE DEFENDANT: Yes.

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1           THE COURT: Your ultimate sentence may turn out  
2 to be different from any estimate your attorney or the  
3 government may have given you.

4           THE DEFENDANT: Yes.

5           THE COURT: And it may be because of other  
6 statutory sentencing factors, Judge Block may impose a  
7 sentence that's even higher than the one called for by  
8 the sentencing guidelines. If that turns out to be the  
9 case, you would not be permitted to withdraw your guilty  
10 plea simply because no one can tell you in advance of  
11 what your sentence would be.

12           Do you understand that?

13           THE DEFENDANT: Yes.

14           THE COURT: All right. If your plea is  
15 accepted, you are pleading guilty to a felony and you  
16 would be adjudged guilty of felonies, you should note to  
17 the extent that you do have certain rights, and I don't  
18 know enough about you to know whether you do or don't,  
19 maybe that you are not a United States citizen, you don't  
20 have them but your adjudication of those rights to the --  
21 sorry, your adjudication of this plea and the conviction  
22 of a felony on a felony, may result in the loss of  
23 valuable civil rights.

24           All right. I've gone over with you many of the  
25 possible consequences of your guilty plea. Do you

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1 understand all of the consequences that I've discussed?

2 THE DEFENDANT: Yes.

3 THE COURT: Have you reviewed them with your  
4 attorney?

5 THE DEFENDANT: Yes.

6 THE COURT: Did you have a sufficient  
7 opportunity to consult with Mr. Perez, your attorney?

8 THE DEFENDANT: Yes.

9 THE COURT: All right. So, do you need an  
10 opportunity to consult with Mr. Perez at this time?

11 THE DEFENDANT: No.

12 THE COURT: Do you have any questions that you  
13 would like Mr. Perez to put to me?

14 THE DEFENDANT: No.

15 THE COURT: All right. For the United States,  
16 is the government prepared to prove at trial all elements  
17 of the counts against the defendant?

18 MS. KOMATIREDDY: Yes, your Honor.

19 THE COURT: All right. I'm not sure if counsel  
20 for the defendant had an opportunity to see this. The  
21 government provided me with a list of the elements of the  
22 offenses. Did you have --

23 MR. PEREZ: Do not have that, no.

24 THE COURT: All right. Tina, can you hand that  
25 -- can you just take a look at that?

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1 (Counsel and client confer)

2 MR. PEREZ: We can proceed, Judge.

3 THE COURT: All right. Let's get that paper  
4 back. Thanks. All right.

5 So, Mr. Perez, did you have an adequate  
6 opportunity to review the government's description of the  
7 elements of Count 1 and Count 11?

8 MR. PEREZ: I did, your Honor.

9 THE COURT: All right. Do you believe your  
10 client understands them?

11 MR. PEREZ: I do.

12 THE COURT: All right. So, Mr. Perez, do you  
13 know of any reason why the defendant should not plead  
14 guilty here --

15 MR. PEREZ: No, your Honor.

16 THE COURT: -- Counts 1 and 11?

17 MR. PEREZ: No, your Honor.

18 THE COURT: Are you aware of any viable legal  
19 defense to Count 1 and Count 11?

20 MR. PEREZ: No, your Honor.

21 THE COURT: And do you agree that the  
22 government would be able to prove the defendant's guilt  
23 at trial --

24 MR. PEREZ: Yes.

25 THE COURT: -- all right, to Count 1 and Count

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1 11. All right.

2 Mr. Blas, let me ask you a few more questions  
3 before you go ahead with your plea. Are you pleading  
4 guilty voluntarily and of your own free will

5 THE DEFENDANT: Yes.

6 THE COURT: Has anyone threatened or forced you  
7 to plead guilty?

8 THE DEFENDANT: No.

9 THE COURT: Other than the promises contained  
10 in the written agreement that you've entered into with  
11 the government, which is the document that's been marked  
12 as Court's Exhibit 1, has anyone made any other promises  
13 to induce you to plead guilty?

14 THE DEFENDANT: No.

15 THE COURT: Has anyone made any promise to you  
16 as to what your final sentence will be?

17 THE DEFENDANT: No.

18 THE COURT: Do you understand that you are  
19 facing very serious immigration consequences as the  
20 result of the plea if you go ahead with the plea  
21 including there is a strongly likelihood that you will be  
22 permanently removed from the United States?

23 THE DEFENDANT: Yes.

24 THE COURT: All right. Are you pleading guilty  
25 of your own free will because you are in fact guilty?

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1 THE DEFENDANT: Yes.

2 THE COURT: All right. Are you ready to go  
3 ahead with your plea?

4 THE DEFENDANT: Yes.

5 THE COURT: All right. And do you need any  
6 other opportunity to consult with your attorney before  
7 doing that?

8 (Counsel and client confer)

9 MR. PEREZ: We can proceed.

10 THE COURT: Okay. So, Mr. Blas, do you need  
11 any other opportunity to consult with your attorney?

12 THE DEFENDANT: No.

13 THE COURT: All right. So with regard to Count  
14 1, which is the sexual exploitation of a child, how do  
15 you plead, guilty or not guilty?

16 THE DEFENDANT: Guilty.

17 THE COURT: All right. And with regard to  
18 Count 11, which is the possession of child pornography,  
19 how do you plead, guilty or not guilty?

20 THE DEFENDANT: Guilty.

21 THE COURT: All right. Mr. Perez, do you want  
22 me to go through the elements separately or we'll talk  
23 about both counts together?

24 MR. PEREZ: Go through both counts together.

25 THE COURT: All right. So, Mr. Blas, what is

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1 it that you did that makes it such that you are guilty of  
2 Count 1 and Count 11 of the indictment?

3 (Pause)

4 THE COURT: All right. So, Mr. Blas, let me  
5 just ask you again and I'm going to remind you, as I said  
6 earlier, it's not enough for your say that you were  
7 guilty. You have to explain to me what it is that you  
8 did such that You're guilty of the particular counts to  
9 which you just pled guilty. Those are Count 1 and Count  
10 11. All right? I need to know what it is you did.

11 Sorry, just hold on one second.

12 (Pause)

13 THE COURT: All right. Sorry. We're having  
14 some trouble with the microphones today. All right, yes,  
15 Mr. Blas, what is it that you did such that You're guilty  
16 of Count 1 and Count 11 of the indictment?

17 THE DEFENDANT: I was in possession of child  
18 pornography and I had sex with a minor and it was  
19 recorded.

20 (Pause)

21 THE COURT: When you say recorded, what does  
22 that mean?

23 THE DEFENDANT: It was recorded through a  
24 computer.

25 THE COURT: All right. And, counsel, with



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1 regard to the interstate commerce or foreign commerce  
2 element, does your client have something to say?

3 MS. KOMATIREDDY: Your Honor, at trial, the  
4 government would prove that the defendant used a  
5 computer, specifically a Dell computer, to create the  
6 child pornography that is specified in Count 1, capture  
7 one, 3-26-2014 4:55 p.m. and that that Dell computer is a  
8 material that traveled in interstate commerce. And we  
9 would ask the defense to stipulate to that.

10 THE COURT: All right. So Mr. Perez, does your  
11 client stipulate to what the United States just said with  
12 regard to the interstate or foreign commerce element?

13 MR. PEREZ: He does so stipulate.

14 THE COURT: Okay. And approximately when did  
15 Mr. Blas undertake the act that is the basis for the plea  
16 to Count 1?

17 (Counsel and client confer)

18 MR. PEREZ: Judge, that will be --

19 THE COURT: So as to Count 1, is there a  
20 particular time when it happened?

21 (Counsel and client confer)

22 MR. PEREZ: That would be, Judge, on or about  
23 March 26th of 2014.

24 THE COURT: All right. Mr. Blas, You're in  
25 agreement that the acts that you described with regard to

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1 Count 1 occurred on or about March 26th, 2014?

2 THE DEFENDANT: Yes.

3 THE COURT: All right. How about with regard  
4 to venue and the connection to the Eastern District of  
5 New York? Does Mr. Blas, have anything to say with  
6 regard to that?

7 THE DEFENDANT: In Brooklyn, New York.

8 THE COURT: All right. And with regard to  
9 Count 11, on or about when did the acts --

10 MR. PEREZ: No, that was on or about April  
11 30th, 2014.

12 THE COURT: All right. Mr. Blas, do you agree  
13 with that date with regard to Count 11, that is when the  
14 acts described in Count 11 occurred?

15 THE DEFENDANT: Yes.

16 THE COURT: All right. And did they also occur  
17 in Brooklyn?

18 THE DEFENDANT: Yes.

19 THE COURT: All right. Mr. Perez, is there  
20 anything else that your client would like to add?

21 MR. PEREZ: There's nothing further, your  
22 Honor.

23 THE COURT: Okay.

24 Is that a satisfactory allocution to the United  
25 States?

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1 MS. KOMATIREDDY: Your Honor, if I may add a  
2 few things for the record as to Count 11 on the  
3 interstate commerce. The government would prove that the  
4 materials -- that the visual depiction at issue in Count  
5 11 was transported in or affected interstate or foreign  
6 commerce, specifically it was transported over the  
7 Internet. That visual depiction is a separate one from  
8 the one in Count 1.

9 THE COURT: All right. And that's what the  
10 United States would show at trial?

11 MS. KOMATIREDDY: Yes, your Honor and we've  
12 asked the defendant to stipulate to that.

13 THE COURT: All right.

14 MR. PEREZ: He so stipulates.

15 THE COURT: Anything else?

16 MS. KOMATIREDDY: Just to complete the record,  
17 your Honor, given the complexity of this plea --

18 THE COURT: Uh-hum.

19 MS. KOMATIREDDY: -- I would just proffer also  
20 as to Count 1, for each of the elements, the government  
21 is prepared to show at trial, that the child was under  
22 the age of eighteen, through video of the child herself  
23 and witness testimony and documents as to the child's  
24 age. That the defendant used that child to engage in  
25 sexually explicit conduct for the purpose of producing a

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1 visual depiction of that conduct, through the video that  
2 shows that the defendant himself starting the recording  
3 and then engaging in the acts and using the child by  
4 engaging in a sexual act with her.

5           The evidence of that would be the direct  
6 evidence of the video itself and the forensic evidence of  
7 the computer. And that the visual depictions produced  
8 using materials that had been shipped in interstate or  
9 foreign commerce. That proof of that would be business  
10 records and witness testimony as to the origin of the  
11 computer.

12           As to Count 11, the government would be  
13 prepared to show at trial, that the defendant knowingly  
14 possessed a visual depiction and that that visual  
15 depiction involved the use of a minor engaged in sexually  
16 explicit conduct. Evidence of that would be both the  
17 visual depiction itself, the evidence of a minority would  
18 be apparent from the depiction, as well as from the title  
19 of the videos and the knowing possession is apparent from  
20 agent testimony of the defendant's confession that he  
21 used the Internet to download the files including the  
22 videos and possessed such videos on his computer.

23           The fact that the minor was engaged in sexually  
24 explicit conduct would also be proven by the videos  
25 themselves and that the visual depiction was transported

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1 in or affecting interstate or foreign commerce and would  
2 be shown by witness testimony and forensic analysis of  
3 the computer showing the files and their origin over the  
4 Internet.

5 THE COURT: All right. Mr. Perez, do you agree  
6 that the United States would offer that evidence at  
7 trial?

8 MR. PEREZ: Yes, Judge.

9 THE COURT: And do you know of any defense that  
10 your client has to the evidence that the United States  
11 would offer at trial?

12 MR. PEREZ: No, your Honor.

13 THE COURT: Let me ask Mr. Blas, do you agree  
14 with -- that you possessed the image of the minor that's  
15 described in Count 11?

16 THE DEFENDANT: Yes.

17 THE COURT: And that that image was transmitted  
18 over the Internet?

19 THE DEFENDANT: Yes.

20 THE COURT: All right. And it shows the minor  
21 engaged in sexually explicit conduct?

22 THE DEFENDANT: Yes.

23 THE COURT: And the minor was a child who had  
24 not yet -- was not yet twelve-years-old?

25 THE DEFENDANT: Yes.

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1 THE COURT: All right. Is there anything else  
2 we should add to the allocution?

3 MS. KOMATIREDDY: No, your Honor.

4 MR. PEREZ: Nothing further from the defense.

5 THE COURT: All right. So for the record,  
6 based on the information given to me, I find that the  
7 document, Aldo Blas is fully competent and capable of  
8 entering an informed plea, that he's acting voluntarily,  
9 that he is aware of the nature of the charges against  
10 him, that he understands his rights and the consequence  
11 of his plea and that there's a factual basis for the plea  
12 to both Count 1 and to Count 11 that's supported by an  
13 independent basis in fact as to each of the elements of  
14 the offense.

15 So, I am to recommend, respectfully, that the  
16 district judge, Judge Block, accept the plea of guilty to  
17 Count 1 and Count 11 of the indictment.

18 All right, with regard to sentencing, that date  
19 is going to be determined by probation in consultation  
20 with Judge Block's chambers.

21 So, Mr. Perez, do you want to be present for  
22 the presentence report interview?

23 MR. PEREZ: Yes, your Honor.

24 THE COURT: All right. Is there any medical  
25 issues?

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1 MR. PEREZ: No, Madam.

2 THE COURT: All right. Anything else that we  
3 should discuss here today?

4 MS. KOMATIREDDY: Not from the government, your  
5 Honor.

6 MR. PEREZ: No, thank you.

7 THE COURT: All right. I'm going to return to  
8 the United States the original plea. All right. Thank  
9 you.

10 (Matter concluded)

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C E R T I F I C A T E

I, LINDA FERRARA, hereby certify that the foregoing transcript of the said proceedings is a true and accurate transcript from the electronic sound-recording of the proceedings reduced to typewriting in the above-entitled matter.

I FURTHER CERTIFY that I am not a relative or employee or attorney or counsel of any of the parties, nor a relative or employee of such attorney or counsel, or financially interested directly or indirectly in this action.

IN WITNESS WHEREOF, I hereunto set my hand this 12th day of March, 2015.

  
Linda Ferrara

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